

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Warren E. Peterson

v.

05-cv-055-PB

Donna Roe, et al.

O R D E R

Proceeding *pro se* and *in forma pauperis*, Warren Peterson, an inmate at the New Hampshire State Prison ("NHSP") filed a complaint (document no. 4), pursuant to 42 U.S.C. § 1983, alleging that he has been denied adequate medical care, due process, and his rights under state tort law at the NHSP during his incarceration. The complaint is before me for preliminary review to determine whether, among other things, it states a claim upon which relief may be granted. See 28 U.S.C. § 1915A; United States District Court for the District of New Hampshire Local Rule ("LR") 4.3(d)(2).

For the reasons fully explained in the Report and Recommendation issued simultaneously with this Order, I direct that the Eighth Amendment claim alleging that Peterson has been

denied adequate medical and mental health care and an adequate medical diet at the NHSP be served against defendants Coplan, Wharing, Caoutte and Lanman at this time.

Without further comment on the merits of that claim, I order the complaint (document nos. 4 & 8) be served on Coplan, Wharing, Caoutte and Lanman. Pursuant to the Agreement of Acceptance of Service entered into between the Clerk of Court and the Attorney General of the State of New Hampshire ("AG"), the Clerk's office is directed to forward to the AG's office, by certified mail, return receipt requested, copies of this order, the Report and Recommendation issued this date, the Order and Report and Recommendation issued April 27, 2005 (document nos. 5 & 6), and the complaint (document nos. 4 & 8). See LR 4.3(d)(2)(C). Within thirty days from receipt of these materials, the AG will submit to the court an Acceptance of Service notice specifying whether the defendants have authorized the AG's office to receive service on their behalf. When the Acceptance of Service is filed, service will be deemed made on the last day of the thirty-day period.

If any of the defendants do not authorize the AG's office to receive service on their behalf, or the AG declines to represent

any of the defendants, the AG shall, within thirty days from receipt of the aforementioned materials, provide the last known address of that defendant. In that case, the Clerk's office is instructed to complete service on that defendant by sending to him or her, by certified mail, return receipt requested, copies of these same documents.

Defendants are instructed to answer or otherwise plead within thirty days of acceptance of service. See Fed. R. Civ. P. 12(a)(1)(A).

Plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the Defendant by delivering or mailing the materials to them or their attorneys, pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

James R. Muirhead
United States Magistrate Judge

Date: June 23, 2005

cc: Warren E. Peterson, *pro se*